

IN THE UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF NEBRASKA

PHILLIP PETRONE,)	
1709 Monmouth Parkway)	
Middleton, NJ 07748)	
)	
Plaintiff,)	8:11CV401
)	
v.)	
)	
WERNER ENTERPRISES, INC.,)	ORDER
d/b/a WERNER TRUCKING,)	
14507 Frontier Road)	
P.O. Box 45308)	
Omaha, NE 68145)	
)	
and)	
)	
DRIVERS MANAGEMENT, LLC)	
14507 Frontier Road)	
P.O. Box 45308)	
Omaha, NE 68145)	
)	
Defendants.)	
_____)	

This matter is before the Court on plaintiffs' motion for conditional certification of an FLSA class (Filing No. [52](#)). The Court entered a provisional order granting conditional certification (Filing No. [83](#)) but permitted an additional brief by defendants to address a last minute supplement by plaintiffs. Defendants' brief raised issues that may weigh on its eventual liability, and those issues might be the proper subject of further motions by the defendants. However, the issues presented did not affect the Court's ruling on whether the plaintiffs made the minimal showing required for conditional certification.

In addition, the motion to certify the state-law class (Filing No. [85](#)) was filed in the wrong case. It has been re-filed under the correct case number. Accordingly,

IT IS ORDERED:

1) That the Court hereby adopts its provisional order of October 11, 2012 (Filing No. [83](#)) as a permanent order.

2) That plaintiffs' motion to certify the state-law class under case number 8:11CV401 is stricken as being filed in the wrong case.

DATED this 19th day of December, 2012.

BY THE COURT:

/s/ Lyle E. Strom

LYLE E. STROM, Senior Judge
United States District Court